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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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APR 25 2007 AM
at 2 o'clock and 15 min. P.M.
SUE BEITIA, CLERK

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THOMAS LLOYD-BUTLER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THOMAS LLOYD-BUTLER and
DIANE LLOYD-BUTLER,

Plaintiffs,

vs.

MARY WORRALL ASSOCIATES,
INC., a Hawaii Corporation and MARY
WORRALL, individually,

Defendants.

} Civil No. CV 03-000423 SOM/BMK
} PLAINTIFFS' REPORT OF
} PARTIES' PLANNING MEETING;
} CERTIFICATE OF SERVICE
} Magistrate Judge Barry M. Kurren
} Time: 9:00 a.m.
} Date: May 3, 2007
}

PLAINTIFFS' REPORT OF PARTIES' PLANNING MEETING

This Report of the Parties' Planning Meeting is submitted to the Court pursuant to Federal Rules of Civil Procedure, Rule 26(f) and Local Rules 16.2 and 26.1.

Per Order of the Ninth Circuit Court of Appeals dated February 26, 2007, that Court granted Plaintiffs' Motion for Summary Judgment (as to liability only) and denied Defendants' Motion for Summary Judgment. The action has been remanded to this Court for trial on the issue of damages only.

By this Statement, the Parties request that the Court amend its prior Amended Rule 16 Scheduling Order, dated June 9, 2004.

Pursuant to Federal Rules of Civil Procedure, Rule 26(f), a telephonic meeting was held on April 19, 2007 between counsel for all parties to this action. Pursuant to that telephonic meeting and the agreements reached by counsel, the Parties hereby request the following:

1. Jury Trial/Trial Date. The parties agree that trial of this matter shall be by jury, and jointly request that trial of this matter be set no earlier than December, 2007 or January, 2008. Defendant's counsel has a trial scheduled for early December, 2007 but agreed that if that trial is continued, he would be available for trial at that time. Otherwise, all parties agree that the trial may proceed in January, 2008. The estimated time for trial on the issue of damages is 5 days.

2. Discovery Cut-Off.

a. The Parties request that the cut off of all non-expert discovery be set no earlier than August 31, 2007.

- b. To the extent that expert discovery is required, the Parties request that the cut off for all expert discovery be set no earlier than September 30, 2007.
3. **Motions.** The parties do not anticipate any further dispositive motions, other than Motions in Limine which may impact substantive issues in the trial. The parties jointly propose that all motions in limine be filed no later than October 1, 2007, and that they be heard by November 1, 2007, so that the parties may limit preparation for trial to the extent that motions limit the scope of evidence in the trial.
4. **Settlement Efforts:** The parties agree that at this time no further formal settlement efforts would be helpful in resolving this matter. The parties have previously participated in two formal mediations in Hawaii.

Respectfully submitted,

DATED: Honolulu, Hawaii, April 25, 2007.



David J. McMahon
Marc S. Mazer
Michele-Lynn E. Luke
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served upon the following at their last known address by the following means upon its filing to:

U.S. Mail Hand delivery

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DATED: Honolulu, Hawaii, April 25, 2007.

Michele J. Luke

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